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## **COMMISSION STAFF WORKING DOCUMENT**

### **2023 Rule of Law Report Country Chapter on the rule of law situation in Finland**

*Accompanying the document*

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

### **2023 Rule of Law Report**

#### **The rule of law situation in the European Union**

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## **ABSTRACT**

The perceived independence of the Finnish justice system remains at a very high level. The National Courts Administration continues its work in developing initiatives and supporting the work on courts, namely through expanding its activities, organising meetings and engaging in a variety of projects. A working group set up by the Ministry of Justice proposed constitutional amendments to strengthen judicial independence and a new working group was set up to follow up on these proposals. In November 2022 and for the first time, the Government has submitted to Parliament a Report on the Administration of Justice. As identified in that report, resources for the justice system have been increased, while structural shortages remain. The National Courts Administration has received additional funding for the development of the case management systems.

The perception among experts and business executives is that Finland is one of the least corrupt countries in the world. The majority of actions foreseen in the National Anti-Corruption Strategy and Action Plan 2021-2023 have started. Work is ongoing on a draft proposal on trading in influence to continue to strengthen the criminal legal framework related to corruption, while a decision on revising the legislation on bribery is pending. The Ministry of Justice has conducted an analysis of the legal framework on ministerial responsibilities. The Transparency Register Act will enter into force on 1 January 2024. The Parliament did not conclude discussions on a proposal on limiting ‘revolving doors’ for Ministers before the end of the parliamentary term. While civil servants and persons entrusted with top executive functions are covered by the Code of Conduct, Ministers are still not covered. The Government presented a proposal to develop transparency in electoral and party funding legislation.

Finland generally offers a free and protected environment for journalists and media professionals. There are no regulatory changes concerning the media regulators or the Finnish public service broadcaster. Ethical rules for the press are currently being reviewed, and the resources of the self-regulatory Finnish Council for Mass Media have been strengthened while it continues to deal with a rising number of complaints about journalistic ethics. The specifically appointed working group dedicated to reform of the Act on the Openness of Government Activities presented a proposal for urgent reform of the Act aimed at clarifying exceptions relating to documents in criminal proceedings. However, the proposal was not yet adopted due to the end of the Parliament’s mandate. The working group is expected to report on the overall reform in late autumn 2023. The government has prepared legal reforms to address the harassment of journalists online.

A new guide on fundamental and human rights impact assessments in drafting legislation has been published in November 2022. Generally, involvement of stakeholders in the legislative process remains meaningful, with some discrepancies reported. A targeted amendment to the Emergency Powers Act was adopted, with a more comprehensive reform pending. The law clarifying the division of powers between the Chancellor of Justice and the Parliamentary Ombudsman has entered into force. Amendments to improve the model of funding of civil society organisations were approved by the Parliament.

## **RECOMMENDATIONS**

Overall, concerning the recommendations in the 2022 Rule of Law Report, Finland has (made):

- Fully implemented the recommendation to continue developing initiatives by the National Courts Administration to support the work of courts.
- Some progress on continuing to strengthen the criminal legal framework on corruption, in particular, by the adoption of legislation on trading in influence.
- Significant progress on continuing efforts to implement the new National Anti-corruption Strategy and Action Plan 2021-2023, including by starting the implementation of all planned measures.
- Some progress on continuing the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Finland to

- Continue to follow-up on the report on the assessment and future development trends of the court system, including the reform of the appointment of lay judges, taking into account European standards on judicial independence.
- Adopt legislation on trading in influence and continue to take steps to propose a revision on the criminal offence of foreign bribery.
- Strengthen the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them.
- Advance with the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

## **I. JUSTICE SYSTEM**

The Finnish justice system is composed of the ordinary judiciary, with 20 district courts, 5 courts of appeal and the Supreme Court, as well as the administrative judiciary with 6 regional administrative courts and the Supreme Administrative Court. There are three specialised courts<sup>1</sup>. The independent National Courts Administration is in charge of the administration of courts, including management of budgets, buildings and ICT systems<sup>2</sup>. The independent Judicial Appointments Board<sup>3</sup> prepares proposals for appointments of judges to the Government, while proposals for Supreme Court and Supreme Administrative Court judges are made by these courts themselves<sup>4</sup>. Judges are formally appointed by the President of the Republic<sup>5</sup>. The National Prosecution Authority is an independent state authority<sup>6</sup>, led by a Prosecutor General, who is appointed by the President on the proposal of the Ministry of Justice and can be dismissed or suspended by the Government<sup>7</sup>. The Finnish Bar Association<sup>8</sup> is an independent body tasked with the supervision of professional activities of attorneys<sup>9</sup>. Disciplinary proceedings against lawyers<sup>10</sup> are conducted by the Disciplinary Board, an independent supervisory body functioning alongside the Finnish Bar Association<sup>11</sup>. Finland participates in the European Public Prosecutor's Office (EPPO)<sup>12</sup>.

### **Independence**

**The level of perceived judicial independence in Finland continues to be very high both among the general public and companies.** Overall, 86% of the general population and 88% of companies perceived the level of independence of courts and judges to be 'fairly or very good' in 2023<sup>13</sup>. According to data in the 2023 EU Justice Scoreboard, the level remains

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<sup>1</sup> The Market Court, the Labour Court and the Insurance Court. CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States.

<sup>2</sup> Courts Act, Chapter 19a, National Courts Administration.

<sup>3</sup> It has twelve members – nine judges from different levels of courts, proposed by the judiciary, and three non-judge members (one lawyer, one prosecutor, one member representing legal research and education). All members are appointed by the Government for a five-year term.

<sup>4</sup> All judges of the Supreme Court and Supreme Administrative Court participate to the selection. Courts Act, Chapter 11, Section 7.

<sup>5</sup> Only one candidate is proposed per vacancy. While the proposal is non-binding, in practice, it is almost always followed, with only one exception each for ordinary court judges (in 2000, the year the Judicial Appointments Board was established) and for Supreme Court judges (in the 1970s).

<sup>6</sup> Act on the National Prosecution Authority (32/2019), Chapter 1, Section 2.

<sup>7</sup> The decision to dismiss can be appealed to the Supreme Administrative Court.

<sup>8</sup> Advocates Act (496/1958).

<sup>9</sup> There are three types of legal professionals tasked with provision of different types of legal services: attorneys, public legal aid attorneys and licensed legal counsels.

<sup>10</sup> The Disciplinary Board also conducts disciplinary proceedings against two other types of legal professionals, public legal aid attorneys and licensed legal counsels.

<sup>11</sup> The Disciplinary Board is composed of a Chair and eleven Members, six of which, in addition to the Chair, are attorneys elected by the supreme decision-making body of the Bar Association. The remaining members, two of which are licenced legal counsels and three of which are lawyers, who shall be non-members of the bar association, are appointed by the Government on the proposal of the Ministry of Justice after the Ministry has requested an opinion of the Bar Association on the eligibility of candidates; Sec. 7a of the Advocates Act.

<sup>12</sup> One European delegated prosecutor was appointed on 1 July 2021, the other was nominated on 14 October 2021 and appointed in October 2022. Input from Finland for the 2022 Rule of Law Report, p. 17 and additional written input from Finland in 2023.

<sup>13</sup> Figures 50 and 52, 2023 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

consistently very high for both the general public and companies since 2016. The perceived judicial independence among the general public has decreased in comparison with 2022 (88%), but it is higher than in 2016 (80%). The perceived judicial independence among companies has increased slightly in comparison with 2022 (87%) as well as 2016 (87%).

**The National Courts Administration continues its activities to facilitate the work of the courts.** The 2022 Rule of Law Report recommended to Finland to “continue developing initiatives by the National Courts Administration to support the work of courts”<sup>14</sup>. The National Courts Administration (NCA) has continued in its tasks throughout 2022<sup>15</sup>, namely in conducting regular meetings with heads of courts, developing the case management systems for administrative and general courts<sup>16</sup>, organising trainings for judges and other training events, or cooperating with national and international providers and networks<sup>17</sup>. Additionally, the NCA has started to organise meetings with court administrators, courts’ data protection officers, and persons responsible for risk management and proceeded to build the networks with other actors in the justice system, such as public prosecutors or Legal Register Centre<sup>18</sup>. It is also developing a tool for measuring the workload of the courts to foster better distributing resources between them<sup>19</sup>. The NCA is an active participant in various projects and publishes statistics on its website, which helps improving public statistics related to courts<sup>20</sup>. Stakeholders continue to welcome such initiatives and activities<sup>21</sup>. In light of the significant activities undertaken by the NCA to facilitate the work of the courts, the recommendation made in the 2022 Rule of Law report has been fully implemented.

**A Ministry of Justice working group proposed constitutional amendments to strengthen judicial independence.** A working group<sup>22</sup> set up by the Ministry of Justice published its report on the assessment and future development trends of the court system in October 2022<sup>23</sup>. The working group defined three key objectives: i) strong independence, ii) high-quality legal

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<sup>14</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 4.

<sup>15</sup> The NCA is a body responsible for strengthening the structural autonomy and independence of the courts, as well as reinforcing the quality of the administration of justice. For more information on the establishment and structure see the Country Chapter on the rule of law situation in Finland for the following reports: 2020 Rule of Law Report; the 2021 Rule of Law Report; and the 2022 Rule of Law Report, p. 2, p. 3 and p. 4 respectively.

<sup>16</sup> Input from Finland for the 2023 Rule of Law Report, p. 6; Information received from the NCA in the context of the country visit to Finland.

<sup>17</sup> Input from Finland for the 2023 Rule of Law Report, pp. 7, 9 and 10.

<sup>18</sup> Ibid, p. 6; Information received from the NCA in the context of the country visit to Finland.

<sup>19</sup> Input from Finland for the 2023 Rule of Law Report, p. 9; Information received from the NCA in the context of the country visit to Finland.

<sup>20</sup> The website with statistics available online at:

<https://oikeus.fi/tuomioistuimet/en/index/tuomioistuinlaitos/statistics.html>; Input from Finland for the 2023 Rule of Law Report, p. 8.

<sup>21</sup> Contribution from the Finnish Bar Association for the 2023 Rule of Law Report, p. 11 and from the Chancellor of Justice, p. 11; Information received from the Finnish Association of Judges in the context of the country visit to Finland.

<sup>22</sup> The members of the working group ranged from representatives of the Ministry of Justice, the highest courts as well as courts of appeal and district courts, administrative courts, of the Office of the Prosecutor General, Finnish Bar Association, legal advisers and administrative assistants. The report on the assessment and future development trends of the court system, p. 10.

<sup>23</sup> The report on the assessment and future development trends of the court system by the Ministry of Justice; Input from Finland for the 2023 Rule of Law Report, p. 8.

protection, and iii) user-orientation<sup>24</sup>. As a measure to foster strong independence, it proposes a revision of the Constitution to introduce safeguards against potential undue influence<sup>25</sup>. Laying down the maximum number of Supreme Court judges in the Constitution, as well as a compulsory retirement age of judges, are among the proposed measures<sup>26</sup>. As a follow-up to the report, a new working group entitled ‘Rule of Law Guarantees and Development of the Judicial System’ was appointed by the Ministry of Justice in January 2023 to further strengthen the independence of the administration of justice, to promote the provision of high-quality legal protection and user-oriented approach in the administration of justice. This working group is expected to deliver proposals by the end of 2027<sup>27</sup>. Stakeholders have generally welcomed this debate and assess the potential changes of the Constitution positively<sup>28</sup>.

**A reform of the appointment of lay judges is being discussed.** Currently, lay judges, who participate in certain<sup>29</sup> and serious criminal cases, where the maximum penalty of an offence is more than two years of imprisonment (in a panel of one professional judge and two lay judges)<sup>30</sup>, are appointed by political parties, with the number of lay judges each party may appoint corresponding to the outcome of the local elections<sup>31</sup>. This matter was examined by GRECO in the past<sup>32</sup> and is currently subject to discussion<sup>33</sup>. While it is generally acknowledged that there is a long tradition of employing lay judges in deciding cases, some stakeholders call for reducing the political influence in the appointment<sup>34</sup>, others consider this model to be inefficient<sup>35</sup> and causing risks to the outcome of the case, due to the lack of professionalisation<sup>36</sup>. The report on the assessment and future development trends of the court system concluded that the whole appropriateness of the lay judges’ system should be

<sup>24</sup> The report on the assessment and future development trends of the court system, p. 12; Input from Finland for the 2023 Rule of Law Report, p. 14; Information received from the Ministry of Justice in the context of country visits in Finland.

<sup>25</sup> The report on the assessment and future development trends of the court system, pp. 12, 18, 97, 126, 127 and 146.

<sup>26</sup> Ibid, p. 127.

<sup>27</sup> Ministry of Justice’s appointment decision: ‘Rule of Law Guarantees and Development of the Judicial System’ working group, No. VN/34680/2022-OM-12, pp. 1 – 2.

<sup>28</sup> Contribution from the Finnish Bar Association for the 2023 Rule of Law Report, p. 11; Information received from the NCA and the Supreme Administrative Court in the context of the country visit to Finland.

<sup>29</sup> So-called land law matters deal with disputes and appeals arising from real estate transactions; information provided at the website of the Finnish judiciary, available at: [https://oikeus.fi/tuomioistuimet/en/index/tuomioistuinelaitos/tuomioistuimet/yleiset\\_tuomioistuimet/karajaoikeudet/what\\_matters\\_are\\_dealt\\_with\\_by\\_the\\_district\\_court.html#](https://oikeus.fi/tuomioistuimet/en/index/tuomioistuinelaitos/tuomioistuimet/yleiset_tuomioistuimet/karajaoikeudet/what_matters_are_dealt_with_by_the_district_court.html#).

<sup>30</sup> CEPEJ Evaluation Report 2022 – Country Profile Finland, p. 49.

<sup>31</sup> There are no lay judges in appeal courts, administrative courts, supreme courts nor specialised courts. Assessment report on the procedure for selecting lay judges by the Ministry of Justice, p. 8.

<sup>32</sup> GRECO Fourth evaluation round, paras. 94, 101. It encourages Finnish authorities to seek ways to involve the judiciary in the appointment of lay judges, in light of the concerns raised by the ombudsperson.

<sup>33</sup> Information received from the Chancellor of Justice, the Finnish Bar Association and the Finnish Association of Judges in the context of the country visits to Finland.

<sup>34</sup> Information received from the Chancellor of Justice in the context of the country visit to Finland. Oikeuspoliittinen yhdistys Demla ry – Legal Policy Association in Finland (Demla) calls for abolishment of the institute of lay judges, information received in the context of the country visit to Finland from Demla.

<sup>35</sup> Information received from the Finnish Association of Judges in the context of the country visit to Finland. This argument is raised also in the report on the assessment and future development trends of the court system, p. 100.

<sup>36</sup> Some discrepancies in decisions made by lay judges occurred in cases regarding sexual offences, which had to be corrected on appeal level. Information received from the Finnish Bar Association and the Finnish Association of Judges in the context of the country visit to Finland.



reassessed<sup>37</sup>. Subsequently, the Ministry of Justice published an assessment report in February 2023, which examines various options for the appointment procedure of lay judges and concluded that a broader assessment of the system should be made<sup>38</sup>. The Ministry of Justice collected comments from various stakeholders, who also recognized the importance of the issue<sup>39</sup>.

## Quality

**For the first time, the Government submitted to Parliament its Report on the Administration of Justice.** In November 2022, the Government presented to Parliament the Report on the Administration of Justice (“the report” hereafter), which provides a comprehensive overview of the current state of the administration of justice in Finland<sup>40</sup>. The NCA participated in the preparation of the report, and the Chancellor of Justice, courts, as well as other stakeholders, were consulted<sup>41</sup>. The key issues identified by the report concern the length of proceedings, high cost of trials, and the underfunding of the justice system (see below)<sup>42</sup>. Parliament held a general debate on the report in December 2022 and adopted an opinion in February 2023, welcoming the efforts and urging the Government to take an immediate action on the report’s findings<sup>43</sup>. Parliament has requested the Government to present a written report by the end of 2023 and to submit a new comprehensive report by September 2026<sup>44</sup>. Stakeholders welcome this report, as it addresses the most pressing issues in the justice system<sup>45</sup>.

**The digitalisation of the justice system is advanced, while room for improvement remains in upgrading case management systems.** The NCA has received additional funding for the development of the two complex case management systems, one for administrative and special courts (‘HAIPA’) and one for general courts (‘AIPA’)<sup>46</sup>. As noted in the 2022 Rule of Law

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<sup>37</sup> The report on the assessment and future development trends of the court system, p. 100; Assessment report on the procedure for selecting lay judges, p. 40.

<sup>38</sup> Assessment report on the procedure for selecting lay judges by the Ministry of Justice. Information received from the Ministry of Justice in the context of country visits to Finland. Written information received from Finnish authorities in the context of the country visit to Finland, p. 1.

<sup>39</sup> Evaluation note on the selection of jurors, Summary of the opinions on the assessment report, forthcoming.

<sup>40</sup> Input from Finland for the 2023 Rule of Law Report, p. 5. The Report on the Administration of Justice and the report on the assessment and future development trends of the court system are substantively complementary one to the other, however, each report focuses on different aspects of the Finnish justice system. Information received from the Ministry of Justice in the context of the country visit to Finland.

<sup>41</sup> Contribution from the Chancellor of Justice for the 2023 Rule of Law Report, p. 11. Chancellor of Justice has issued statement to the Legal Affairs Committee of Parliament, OKV/2823/22/2022.

<sup>42</sup> The report, p. 3; Input from Finland for the 2023 Rule of Law Report, p. 5; Contribution from the Chancellor of Justice for the 2023 Rule of Law Report, p. 11. To secure funding for the actors in the judicial system, as well as to improve the conditions for providing more consistent and high quality legal aid (by establishing a national legal services authority) are among the objectives set out in the new draft Government Programme.

<sup>43</sup> The Opinion of the Legal Affairs Committee, pp. 5, 16; available online at [https://www.eduskunta.fi/FI/vaski/JulkaisuMetatieto/Documents/VNS\\_13+2022.pdf](https://www.eduskunta.fi/FI/vaski/JulkaisuMetatieto/Documents/VNS_13+2022.pdf); Written information received from Finnish authorities in the context of the country visit to Finland, p. 1; Information received from the Ministry of Justice in the context of country visit to Finland.

<sup>44</sup> Information received from the Ministry of Justice in the context of the country visit to Finland.

<sup>45</sup> Contribution from the Finnish Bar Association for the 2023 Rule of Law Report, p. 2 and the Chancellor of Justice, p. 11; Information received from the Supreme Court, the Supreme Administrative Court and the Parliamentary Ombudsman in the context of the country visit to Finland.

<sup>46</sup> For more information on the development see the 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 3 and the 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 4; Input from Finland for the 2023 Rule of Law Report, pp. 6, 11.

Report, the HAIPA system was finalised in 2020<sup>47</sup>, however, it has been used only to a limited extent in some courts as a tool by the supporting staff so far, not by the judges<sup>48</sup>. Due to delays, the AIPA system continues to be under development, with the implementation expected to be finalised in June 2024<sup>49</sup>. The introduction of the new system is generally welcomed by the stakeholders, while some shortcomings, such as the lack of access to the system by lawyers, and occasional technical issues, still remain, as already noted in the 2022 Rule of Law Report<sup>50</sup>. Some of these challenges have been addressed by the NCA and a new portal for attorneys and other legal representation is currently being prepared and expected to be operational by the end of 2023<sup>51</sup>. Moreover, the NCA has also participated in the development of a new system, which would manage administrative issues in courts ('HILDA')<sup>52</sup>. Generally, the use of digital technology by courts and prosecution services is advanced, with a possibility of remote work, use of electronic case management system and availability of distance communication technology<sup>53</sup>.

**To make justice more accessible, a legislative reform increased courts' discretion in allocating legal costs in civil cases.** The Report on the Administration of Justice has suggested to reduce legal costs and to examine the possibility to introduce a simplified trial for small claims proceedings, as measures to tackle the high costs of proceedings<sup>54</sup>. As a follow-up to this Report, the Ministry of Justice has adopted an assessment memorandum on the small claims' procedure. In January 2023, Parliament approved a reform which provides the courts with a wider opportunity to reduce the costs of the losing party in civil cases<sup>55</sup>. The reform entered into force in May 2023<sup>56</sup>. The Bar Association has also reported high costs of proceedings as an issue having a possible prohibitive effect for the access to justice<sup>57</sup>. The

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<sup>47</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 4.

<sup>48</sup> Input from Finland for the 2023 Rule of Law Report, p. 7. The NCA explained that the reason for the practical problems with AIPA and HAIPA lies with the complex nature of the multi-layered information and communication technology, which needs cooperation between various actors. Moreover, Finland is still in the process of transition from the original system from 1990s to the new ones, which demands AIPA and HAIPA to be introduced in stages. That is also the reason for the courts and the public prosecution service to be using both the old and the new case management systems at the moment. Information received from the NCA in the context of a country visit to Finland. Other stakeholders have also pointed out that lack of resources are one of the main issues for the implementation of AIPA; information received from the Finnish Bar Association, the Supreme Court and the Finnish Association of Judges in the context of the country visit to Finland.

<sup>49</sup> Input from Finland for the 2023 Rule of Law Report, pp. 7, 11.

<sup>50</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 4; Contribution from the Finnish Bar Association for the 2023 Rule of Law Report, p. 16 and the Chancellor of Justice, p. 11. Information received from the Finnish Bar Association, the Chancellor of Justice, the Supreme Court, the Supreme Administrative Court and the Association of Judges in the context of the country visit to Finland. The Association of District Court Judges has filed a complaint to the National Audit Office concerning the use of finances for the AIPA system. The answer is expected to come around September 2023.

<sup>51</sup> Information received by the Ministry of Justice in the context of a country visit to Finland. The service portal will be limited in its functionalities in the first implementation phase and significant development is planned throughout the year 2024.

<sup>52</sup> Input from Finland for the 2023 Rule of Law Report, p. 6.

<sup>53</sup> Figure 42, 2023 EU Justice Scoreboard.

<sup>54</sup> The report, p. 59; Information received from the Ministry of Justice in the context of the country visit to Finland.

<sup>55</sup> Information received from the Ministry of Justice in the context of the country visit to Finland.

<sup>56</sup> Act No 3.2.2023/143, amending Chapter 21, Section 8(2) and 8b of the Code of Judicial Procedure. Input from Finland for the 2023 Rule of Law Report, p. 8.

<sup>57</sup> Contribution from the Finnish Bar Association for the 2023 Rule of Law Report, p. 15.



Ministry of Justice has also commissioned a study on the effects of the law concerning court fees, the results of which are expected to be published in July 2023<sup>58</sup>.

**Resources for the justice system have been increased, while structural shortages remain, as identified by the Report on the Administration of Justice.** The Report on the Administration of Justice has concluded that approximately EUR 90 million in permanent annual additional funding would be needed to secure appropriate operating conditions and to achieve the objectives set for the administration of justice<sup>59</sup>, with approximately one third to be allocated to the courts<sup>60</sup>. While the level of financial resources has increased over the past years, there are still insufficient resources, mostly at the district and appellate courts<sup>61</sup>. Lack of human, as well as financial, resources has also been reported as an issue with the NCA<sup>62</sup>. Moreover, some stakeholders have pointed out that the supporting staff working at courts remains underfunded, which results in lack of human resources and delays in proceedings<sup>63</sup>. The courts have obtained additional funding for the second half of 2022 and 2023 to clear the backlog caused by the COVID-19 pandemic<sup>64</sup>. Additional funding was also provided to the public prosecution service for the years 2021 and 2022 to clear the COVID-19 backlog and to hire new public prosecutors<sup>65</sup>. Due to the funding, the numbers of personnel at the prosecution service are expected to rise to 613 in 2023, compared to 558 in 2021<sup>66</sup>. Nevertheless, the overall number of pending cases in the public prosecution service continues to increase<sup>67</sup>.

## Efficiency

**The justice system performs overall efficiently, with the Report on the Administration of Justice finding some room for improvement as regards the length of proceedings.** The estimated time to resolve administrative cases slightly increased to 296 days in the first instance in 2021 (compared to 274 in 2020)<sup>68</sup>. The clearance rate for civil and commercial cases at first instance improved from 93.6 % in 2020 to 100.3 % in 2021<sup>69</sup>. The justice system performs at an average level when it concerns the estimated time to resolve litigious civil and commercial cases (305 days in the first instance in 2021, compared to 300 in 2020)<sup>70</sup>. However, the Report on the Administration of Justice, as well as several stakeholders, found the length of

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<sup>58</sup> Input from Finland for the 2023 Rule of Law Report, p. 8; Information received from the Ministry of Justice in the context of the country visits to Finland.

<sup>59</sup> The report, p. 5; Input from Finland for the 2023 Rule of Law Report, p. 9; Contribution from the NCA for the 2023 Rule of Law Report, p. 6.

<sup>60</sup> Contribution from the NCA for the 2023 Rule of Law Report, p. 6; Information received from the Supreme Court in the context of the country visit to Finland.

<sup>61</sup> Contribution from the NCA for the 2023 Rule of Law Report, p. 6; General issue of lack of resources was mentioned also in contribution from the Finnish Bar Association for the 2023 Rule of Law Report, p. 15. Information received from the Supreme Court and the Association of Judges in the context of the country visit to Finland.

<sup>62</sup> Information received from the NCA in the context of the country visit in Finland.

<sup>63</sup> Contribution from the NCA for the 2023 Rule of Law Report, p. 7; Information received from the Supreme Administrative Court, Finnish Association of Judges in the context of the country visit to Finland.

<sup>64</sup> Input from Finland for the 2023 Rule of Law Report, p. 9.

<sup>65</sup> Input from Finland for the 2023 Rule of Law Report, pp. 9, 10; Information received from the National Prosecution Authority in the context of the country visit to Finland.

<sup>66</sup> Input from Finland for the 2023 Rule of Law Report, p. 10.

<sup>67</sup> Input from Finland for the 2023 Rule of Law Report, p. 9.

<sup>68</sup> Figure 10, 2023 EU Justice Scoreboard.

<sup>69</sup> Figure 12, 2023 EU Justice Scoreboard.

<sup>70</sup> Figure 8, 2023 EU Justice Scoreboard.

proceedings as one of the key problems in the justice system<sup>71</sup>. The NCA has pointed out that one of the reasons for the slight decrease in efficiency is the higher complexity of incoming cases<sup>72</sup>.

## II. ANTI-CORRUPTION FRAMEWORK

The monitoring, detection, and prevention of cases of corruption in Finland relies on multiple bodies and authorities. Alongside the Police, the National Bureau of Investigation (NBI) and the Prosecution Service, relevant authorities are the Financial Intelligence Unit (FIU)<sup>73</sup>, the National Audit Office of Finland (NAOF), the Finnish Competition and Consumer Authority as well as the Parliamentary Ombudsman<sup>74</sup> and Chancellor of Justice<sup>75</sup>. The authority in charge of planning and coordinating anti-corruption activities is the Ministry of Justice's Department of Criminal Policy and Criminal Law, including by coordinating the anticorruption network which brings together representatives of several ministries, police, trade unions and civil society<sup>76</sup>.

**The perception among experts and business executives is that Finland is one of the least corrupt countries in the world.** In the 2022 Corruption Perceptions Index by Transparency International, Finland scores 87/100 and ranks 2<sup>nd</sup> in the European Union and globally<sup>77</sup>. This perception has been relatively stable over the past five years<sup>78</sup>. The 2023 Special Eurobarometer on Corruption shows that 13% of respondents consider corruption widespread in their country (EU average 70%) and 7% of respondents feel personally affected by corruption in their daily lives (EU average 24%)<sup>79</sup>. As regards businesses, 22% of companies consider that corruption is widespread (EU average 65%) and 11% consider that that corruption is a problem when doing business (EU average 35%)<sup>80</sup>. Furthermore, 44% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)<sup>81</sup>, while 64% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 30%)<sup>82</sup>.

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<sup>71</sup> The report, p. 11; Contribution from the Chancellor of Justice for the 2023 Rule of Law Report, pp. 11, 16, and from the Finnish Bar Association, p. 17, and from the NCA, p. 7.

<sup>72</sup> Input from Finland for the 2023 Rule of Law Report, p. 13.

<sup>73</sup> Financial Intelligence Unit: <https://poliisi.fi/en/money-laundering>.

<sup>74</sup> Parliamentary Ombudsman of Finland: <https://www.oikeusasiamies.fi/en>.

<sup>75</sup> Chancellor of Justice: <https://www.okv.fi/en/>.

<sup>76</sup> The dedicated website of the government on anti-corruption ([anti-corruption.fi](https://anti-corruption.fi)) details the relevant bodies involved in the fight against corruption, as well as their tasks.

<sup>77</sup> Transparency International (2023), Corruption Perceptions Index 2022, pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

<sup>78</sup> In 2018 the score was 85, while, in 2022, the score is 87. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

<sup>79</sup> Special Eurobarometer 534 on Corruption (2023). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 523 (2022).

<sup>80</sup> Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 507 (2022).

<sup>81</sup> Special Eurobarometer 534 on Corruption (2023).

<sup>82</sup> Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023).

**Significant progress has been made to implement the majority of the actions planned in the National Anti-Corruption Strategy and Action Plan 2021–2023.** The 2022 Rule of Law Report recommended to Finland to “continue efforts to implement the new National Anti-corruption Strategy and Action Plan 2021-2023, including by starting the implementation of all planned measures”<sup>83</sup>. The Action Plan of the Anti-Corruption Strategy for 2021–2023 included 79 actions. Of the 79 planned measures, 73 started to be implemented<sup>84</sup>, of which 17 have been completed and 28 are well advanced<sup>85</sup>. The preparation for the next Strategy is expected to start during 2023<sup>86</sup>. In 2023, Finland aims to increase transparency of the UNCAC process and of the development of the national anti-corruption strategy<sup>87</sup>. To improve transparency, the Ministry of Justice will rely on the official webpage on anticorruption<sup>88</sup>. As only six actions of the strategy have not started<sup>89</sup>, and 45 measures have been completed or well advanced, significant progress has been made on the implementation of the recommendation made in the 2022 Rule of Law Report.

**Some progress has been made on strengthening the criminal legal framework on corruption, as the preparation of the draft proposal on trading in influence is ongoing, while a decision on revising the legislation on bribery is pending.** The 2022 Rule of Law Report recommended to Finland to “continue to strengthen the criminal legal framework on corruption, in particular by the adoption of legislation on trading in influence”<sup>90</sup>. The Government presented a draft proposal on trading in influence in summer 2022, which was revised taking into account the feedback received from the public consultation. Depending on the upcoming Government term, the earliest time to submit the draft proposal in Parliament is autumn 2023<sup>91</sup>. Although the National Prosecution Authority is overall satisfied with the content, it drew attention to some issues that might increase the difficulties in collecting

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<sup>83</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2.

<sup>84</sup> Compared to the 2022 Rule of Law Report, five more actions of the 79 planned measures started to be implemented (65 measures in 2022), four more actions have been completed (nine actions in 2022) and five more earned the status of “well advanced” (22 actions in 2022).

<sup>85</sup> Input from Finland for the 2023 Rule of Law Report, p. 15. This implementation status is based on the fifth reporting round of March 2023. As an attachment to the written contribution to the 2023 Rule of Law Report, the Finnish Government sent also the chart on the implementation status for each action.

<sup>86</sup> Information received in the context of the country visit to Finland from the Ministry of Justice. A few already planned initiatives are facing the upcoming elections in April: this is the case of the draft proposal on trading in influence (see below) and the discussion around the priorities to be included in the next Strategy. The Ministry of Justice has committed to try to include the new Strategy in the program of the new Government but further discussions need to take into account next elections’ results.

<sup>87</sup> Input from Finland for the 2023 Rule of Law Report, p. 15. Moreover, in spring 2022 Finland signed the UNCAC Coalition’s Transparency Pledge.

<sup>88</sup> Input from Finland for the 2023 Rule of Law Report, p. 15. The webpage ([www.anticorruption.fi](http://www.anticorruption.fi)) includes the presentation of the anti-corruption strategy, as well particular milestones, a FAQ section and instructions on how to report corruption.

<sup>89</sup> Among the non-started actions, action 5.1.1. prescribed to “Investigate whether the provisions under chapter 30 of the Criminal Code on bribery offences in business should be amended so that the provisions related to bribery offences in public office and in business are more similar”. The Action Plan points out that this action – of which is in charge the Ministry of Justice - needs further funding.

<sup>90</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2.

<sup>91</sup> Input from Finland for the 2023 Rule of Law Report, p. 14; information received in the context of the country visit to Finland from the Ministry of Justice. The legislative proposal drafted by the Ministry of Justice was submitted to public consultation with deadline on 25 November 2022. The legislative proposal includes the criminal liability of legal persons as well.

evidence and to prove influences<sup>92</sup>. The Ministry of Justice still has to analyse whether the Criminal Code provisions on bribery offences are in need of further amendment<sup>93</sup>. The OECD recently underlined the need for Finland to enforce its foreign bribery offence, including by addressing concerns about the definition of the offence<sup>94</sup>. As reported last year<sup>95</sup>, in February 2022 the Government published an independent study on corruption in international business, including foreign bribery<sup>96</sup>. Another study is planned for 2023, also in response to the OECD, to follow up in more depth on the independent one on corruption in international business<sup>97</sup>. Potential amendments on the legislation on bribery will be assessed on this basis<sup>98</sup>. The Ministry of Foreign Affairs is working on guidelines for personnel operating abroad on how to identify corruption and how to proceed when corruption is detected<sup>99</sup>. As the preparation of the draft proposal on trading in influence is ongoing, some progress has been made on the recommendation made in the 2022 Rule of Law Report.

**After a significant increase last year, the number of prosecutions of corruption-related offences are back to previous years' average.** The resources of the Police and of the NBI have been strengthened with four additional officers from the second half of 2022 until the end of January 2023<sup>100</sup>. The Police considers that the needed expertise to deal with anti-corruption cases is guaranteed<sup>101</sup>. The Police benefits from the support of external experts and specific trainings for the NBI, local police stations and the FIU on how to identify corruption cases<sup>102</sup>. Following GRECO recommendations<sup>103</sup>, the National Police Board have developed anti-

<sup>92</sup> Information received in the context of the country visit to Finland from the National Prosecution Authority. In particular, the prosecutors mentioned an unnecessary increased burden in collecting evidence when it comes to intermediaries in trading in influence.

<sup>93</sup> See the 2022 Rule of Law Report (p. 8). The assessment - which will also cover the possibility of extending liability for acts in office to municipal and state majority-owned companies - was supposed to be carried out already in 2020 and 2021. Government Resolution on the National Anti-Corruption Strategy and Action Plan 2021-2023, p. 41.

<sup>94</sup> The OECD Working Group on Bribery expressed serious concerns on the lack of foreign bribery enforcement in Finland, which date back to the OECD Phase 4 evaluation report in 2017. It is recommended to Finland to revise the foreign bribery offence to remove significant deficiencies that could impede its effective enforcement. In December 2022 OECD stated that following Finland's continued insufficient compliance with a core aspect of the OECD Anti-Bribery Convention, as well as the lack of enforcement of its foreign bribery laws, the OECD Working Group on Bribery will send a high-level mission to Helsinki, unless tangible progress is reported in June 2023.

<sup>95</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, pp. 9 -10.

<sup>96</sup> Government Office (2022), Corruption in international business, Current state of regulation, application practice and training and needs for change. As recommended in the study, the Ministry committed to continue the trainings for criminal investigators, prosecutors, and judges on the application of foreign bribery offences. As reported last year (2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 9), the trainings started in 2021.

<sup>97</sup> Information received in the context of the country visit to Finland from the Ministry of Justice.

<sup>98</sup> This commitment was included in the new Anti-Corruption Strategy, to be approved by the new government. Information received in the context of the country visit to Finland from the Ministry of Justice.

<sup>99</sup> Information received in the context of the country visit to Finland from the Ministry of Justice. Action Plan, 4.4.1, p. 23. The measure is currently labelled as "well advanced".

<sup>100</sup> Input from Finland for the 2023 Rule of Law Report, p. 16. In total, two positions have been allocated to the criminal investigation division (financial crime), one position to the Financial Intelligence Unit (FIU), and one to the Helsinki Police Department.

<sup>101</sup> Information received in the context of the country visit to Finland from National Police Board. The Police does not foreseen upcoming discussions to establish a separate and dedicated unit to corruption.

<sup>102</sup> Information received in the context of the country visit to Finland from the NBI.

<sup>103</sup> GRECO Fifth Evaluation Round – Evaluation Report, recommendation vii, para 129.

corruption guidelines and internal instructions that will be implemented during 2023<sup>104</sup>. The anti-corruption policy of the Border Guard is planned to be finalised by 31 December 2023 and to enter into force in January 2024 at the latest<sup>105</sup>. There are six prosecutors specialised in corruption offences and 19 specialised in prosecuting offences committed in office<sup>106</sup>. Specialised financial crime prosecutors often handle bribery offences in all prosecution districts<sup>107</sup>, while junior prosecutors are involved in corruption cases to assist higher-level prosecutors. In 2022, the prosecution service received nine corruption cases from the police. During the same year, 24 cases resulted into prosecutions<sup>108</sup>. Compared to 2021<sup>109</sup> - with prosecution service receiving 90 corruption cases from the police, and deciding on 68 cases, out of which charges were brought in 56 cases, and 19 cases dismissed - data seems to have returned to the average of ten cases prosecuted per year<sup>110</sup>. As for the cooperation with the EPPO, no particular challenge has been reported. By December 2022, the number of corruption related cases pending a decision of the prosecutor is 57, of which 17 have been opened<sup>111</sup> for more than 12 months<sup>112</sup>.

**The Ministry of Justice has analysed the current legal framework on ministerial responsibilities, while a political decision is still required.** Investigations of corruption by members of the Government follow a different procedure than normal corruption investigations<sup>113</sup>. A background memorandum was drafted and published by the Ministry of Justice in August 2022<sup>114</sup>, describing the state of the regulation on ministerial responsibilities, as well as arguments in favour of preserving the current state of play and proposals for regulatory assessment needs. The memorandum is expected to be discussed in Parliament<sup>115</sup>. Questions as to whether Parliament is the most appropriate forum to discuss ministerial responsibilities were raised, suggesting the intervention of a judicial authority rather than a parliamentary committee<sup>116</sup>. The same issue was already noted by GRECO as a potential obstacle to the effective functioning of the criminal justice system<sup>117</sup>.

<sup>104</sup> Input from Finland for the 2023 Rule of Law Report, p. 15; Information provided as an additional input from Ministry of Justice following the country visit of Finland.

<sup>105</sup> Written input from the Finnish Border Guard following the country visit of Finland. There are plans to develop cooperation with the municipalities and private sector to make the economic conditions for criminal activities in such environments more difficult, without a clear timeline. Input from Finland for the 2023 Rule of Law Report, p. 16.

<sup>106</sup> Written input from Ministry of Justice following the country visit of Finland.

<sup>107</sup> Written contribution from the National Prosecutor Authority in the context of the country visit in Finland.

<sup>108</sup> Information received in the context of the country visit to Finland from the national prosecutor.

<sup>109</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 9. Data refers to 2021. This represented an exponential increase from the average of ten cases prosecuted per year, as reported in the 2021 Rule of Law report (p. 6).

<sup>110</sup> According to the data for years 2010-2019, received in the context of the 2021 country visit to Finland from national prosecutor, the average annual number of cases of prosecuted corruption and economic crime offenses has remained relatively stable over the ten-year reporting period with an average of ten cases per year.

<sup>111</sup> Open cases refer to cases where the prosecutor has not yet decided whether bringing charges or not prosecuting.

<sup>112</sup> Written input from Finnish authorities following the country visit to Finland.

<sup>113</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 9.

<sup>114</sup> Finnish Government (2022), Background note on legal ministerial responsibility and the request for permission to prosecute a Member of Parliament.

<sup>115</sup> Input from Finland for the 2023 Rule of Law Report, p. 20.

<sup>116</sup> Information received in the context of the country visit to Finland from the National Prosecution Authority.

<sup>117</sup> GRECO Fifth Evaluation Round – Compliance Report, para. 39-41.



**The Transparency Register Act is scheduled to enter into force following parliamentary approval and an electronic register is currently being developed.** Currently, there is no comprehensive legislation dedicated to lobbying, as the framework relies on multiple acts and administrative guidelines<sup>118</sup>. The Transparency Registry Act – that is scheduled to enter into force on 1 January 2024 - lays down the obligation for legal persons and private traders to register for influencing activities and related professional advice<sup>119</sup>. An electronic register is currently being developed by the National Audit Office (NAOF) and is expected to be operational at the end of 2023<sup>120</sup>. Monitored by the NAOF, the Transparency Register aims to improve the transparency of decision-making, combating ineffective influence and strengthening public confidence. In connection with the register, an advisory board involving the Ministry of Justice, the Ministry of Finance, and representatives of academia, has been appointed to draft recommendations on good practices on lobbying<sup>121</sup>.

**The Parliament did not conclude discussions on a proposal on limiting ‘revolving doors’ for Ministers before the end of the parliamentary term.** The proposal was submitted to Parliament in September 2022. However, the discussion on the proposal was not finished when the parliamentary session ended in spring 2023 and no further work was planned before the April 2023 elections<sup>122</sup>. This proposal – which was planned to be submitted to Parliament in spring 2021<sup>123</sup> – aims to establish procedures to prevent and avoid conflicts of interest when a member of the Government moves to another position for a period of up to 12 months<sup>124</sup>.

**While civil servants and persons entrusted with top executive functions are covered by a Code of Conduct, Ministers are still not covered.** The issue was already raised in the framework of the 2022 Rule of Law Report<sup>125</sup>, as well as being subject to a GRECO

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<sup>118</sup> There is currently no separate legislation related to lobbying apart from the new Transparency Register Act (expected by the Ministry to entry into force on 1 January 2024). The regulation of lobbying relies on different provisions, such as the Civil Servant’s Act (750/1994), the Act on the Openness of Government Activities (621/1999), and the Administrative Procedure Act (434/2003), as well as on administrative guidelines. In December 2022, the Ministry of Finance issued Guidelines for Government agencies to combat corruption, which aims to improve awareness and to identify risks of corruption in government agencies and institutions. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

<sup>119</sup> Input from Finland for the 2023 Rule of Law Report, p. 17. Government proposal (HE 98/2022 vp) for the Transparency Registration Act. The proposal would lay down an obligation for legal persons and private traders to notify the register of influencing activities directed at Parliament and ministries and related advice on influencing activities carried out as a business.

<sup>120</sup> Information received in the context of the country visit to Finland from the Ministry of Justice.

<sup>121</sup> Information received in the context of the country visit to Finland from the Ministry of Justice; written contribution from the Ministry of Justice in the context of the country visit in Finland. The advisory board will be set up in the spring of 2023 for the Transparency Register. No time schedule is expected for issuing these recommendations, as the decision is up to the advisory board.

<sup>122</sup> Written input from Ministry of Justice following the country visit of Finland. In accordance with the Finnish Constitution, consideration of the proposal will lapse at the end of the parliamentary term in April 2023. The proposal was as at the expert consultation stage in Parliament. To finalize the proposal on limiting ‘revolving doors’ for Ministers is one of the objectives of the new draft Government Programme.

<sup>123</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 11.

<sup>124</sup> Ministers can commit to follow the Advisory Board for Civil Service Ethics recommendation to inform about their intention to take upon new duties after their appointment as ministers. Thus, they are not subject to the “revolving door” restrictions of the State Civil Servants’ Act. The state of play was reported both in 2020 (p. 8) and 2022 (p. 11). Government proposal HE 192/2022 vp. To note that each Government considers its commitment to the recommendation of the Advisory Board for Civil Service Ethics.

<sup>125</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10.

recommendation in its Fifth Evaluation round<sup>126</sup>. The Code of Conduct<sup>127</sup> aims to give a comprehensive view and standard on integrity and is complemented by the constitutional basis and the supervision of the Chancellor of Justice. Although Ministers are often Members of Parliament – and thus covered by particular provisions on conduct<sup>128</sup> – there is room to expand the personal scope of the Code to apply explicitly to Ministers. The Prime Minister’s Office updated the Handbook on ministerial responsibilities: the Handbook includes a section on regulations and principles guiding the Government’s activities, such as the rule of law, principles of good governance and the openness and handling of documents<sup>129</sup>. Nevertheless, Ministers are still not covered by a Code of Conduct which would address other sensitive integrity related areas, currently not covered in the Ministers’ Handbook<sup>130</sup>. As reported last year<sup>131</sup>, the amendment to the State Civil Servants’ Act on the post government employment waiting period agreement entered into force in June 2022, in line with a GRECO recommendation<sup>132</sup>.

**The Government presented in Parliament a proposal to develop transparency in electoral and party funding legislation.** The Government’s proposal was submitted to Parliament in November 2022<sup>133</sup>. However, due to the parliamentary elections in April 2023, the ongoing work on the draft stopped<sup>134</sup>. By amending the Candidate’s Election Funding Act, the Electoral Act and the Citizens’ Initiatives Act, the proposal aims to improve the provisions and practices for the disclosure of electoral and party funding<sup>135</sup>, as well as to strengthen the right of the NAOF to monitor candidates’ election funding declarations<sup>136</sup>. Although it has found that parties comply reasonably well with the funding regulations, NAOF has been critical about the recent legislation on election funding<sup>137</sup>, as the proposal does not cover local associations of the parties<sup>138</sup>. In January 2023, the Ministry of Justice funded a report on foreign funding and

<sup>126</sup> GRECO Fifth Evaluation Round – 2<sup>nd</sup> Compliance Report, recommendation iv and v, paras 28-41.

<sup>127</sup> Finnish Government (2021), Code of conduct for officials. The Code of Conduct on Civil Service Ethics was issued in 2021. It aims at giving a comprehensive set of rules targeting senior officials in central government, including special advisers, who are now also subject to financial disclosure requirements. More specifically, the Code of Conduct covers all civil servants.

<sup>128</sup> Such particular provisions refer to the Constitution and to the Parliament’s Rules of Procedure.

<sup>129</sup> Information received in the context of the country visit to Finland from the Prime Minister’s Office; written input from the Prime Minister’s Office following the country visit of Finland.

<sup>130</sup> GRECO Fifth Evaluation Round – 2<sup>nd</sup> Compliance Report, recommendation i, para. 17 and para. 96.

<sup>131</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10.

<sup>132</sup> Input from Finland for the 2023 Rule of Law Report, p. 17. Amendment to section 44a of the State Civil Servants’ Act (750/1994); GRECO Fifth Evaluation Round – Compliance Report, recommendation v, paras 32-34.

<sup>133</sup> Finnish Parliament (2023), Government proposal to Parliament for acts amending the Act on Candidates’ Election Funding, the Parties Act, Sections 112 and 143 l of the Election Act and Section 10 of the Act on the Citizens’ Initiative, No HE 254/2022 vp; Information received in the context of the country visit to Finland from the Ministry of Justice.

<sup>134</sup> Parliamentary communication (SS 87/2022 vp) - Termination of Parliament's work, lapsed matters and Parliament convening.

<sup>135</sup> The draft proposal includes obligations for candidates to publish names of sources of loaned money.

<sup>136</sup> Input from Finland for the 2023 Rule of Law Report, p. 17.

<sup>137</sup> National Audit Office of Finland (2022), Report on the oversight of political party funding 2022; National Audit Office of Finland (2022), Proposed amendments to the Electoral and Party Act will significantly improve transparency.

<sup>138</sup> When drafting the proposal, discussions have been raised on whether the control of party funding should also be extended to local associations of parties. Nevertheless, the current draft does not expand the NAOF’s supervisory role in this regard. Besides, a relevant Finnish newspaper reported that electoral funding has been rapidly increasing in Finland, and that is relatively easy and common to maintain the funding anonymous and divide it under the threshold of EUR 1 500. Helsingin Sanomat (2023), Do you want to become an MP?

potential loopholes of the current legislation, especially from the perspective of preventing foreign political parties' potential attempts to exert influence<sup>139</sup>. The key findings of the report show that the prohibition of foreign funding laid down in the current legislation is not absolute and is relatively easy to circumvent.

**The national law aiming at transposing the Whistleblowers Directive entered into force.** The implementation of the national law will start in 2023<sup>140</sup>. The Ministry of Justice applied for external funding to work on an awareness raising and training project on public and private sector organizations and citizens<sup>141</sup>. With funding, the Ministry of Justice expects to carry out national data analysis and regular situation reporting on corruption<sup>142</sup>. Citizens can report misconducts through different channels to authorities (National Audit Office, Tax Administration, and Financial Supervisory Authority) or electronically to the police<sup>143</sup>.

**To address risks in public procurement and political decision-making tailored trainings are being organised**<sup>144</sup>. During 2022, the Ministry of Justice organised targeted and tailored trainings for high-risk sectors of corruption, focusing on concept and forms of corruption, on risk mapping in the public procurement process as well as on vulnerabilities and possible ethical loopholes in the decision-making processes<sup>145</sup>. Furthermore, every training session provides tools to further develop the organisations' integrity and anti-corruption framework<sup>146</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

In Finland, freedom of expression is protected by the Constitution, which also guarantees the right of access to public documents<sup>147</sup>. The tasks and powers of the Finnish Transport and

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<sup>139</sup> Muukkonen (2023), Foreign policy financing and its regulatory needs.

<sup>140</sup> Input from Finland for the 2023 Rule of Law Report, p. 15. Finnish Parliament (2023), HE 147/2022 vp.

<sup>141</sup> Input from Finland for the 2023 Rule of Law Report, p. 18. The Ministry of Justice received external funding to carry out a training project on the implementation of the whistleblower legislation (project to start in autumn 2023). Besides, the Ministry of Justice will also apply for external funding to work on awareness raising, training projects and actions of the national strategy, such as national data analysis and regular situation report on corruption (application period in late autumn 2023).

<sup>142</sup> Input from Finland for the 2023 Rule of Law Report, p. 15. Currently Finland does not have a specific anti-corruption agency responsible with investigating suspicious of corruption.

<sup>143</sup> Anti-Corruption.fi, Report corruption. Reports coming from external individuals are received by the Chancellor of Justice's Office. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 11. Information received in the context of the country visit to Finland from the Ministry of Justice.

<sup>144</sup> Input from Finland for the 2023 Rule of Law Report, p. 18.

<sup>145</sup> Input from Finland for the 2023 Rule of Law Report, p. 18. Trainings for the local government were organized in collaboration with the Association of Municipalities in the beginning of 2022, and tailored trainings will continue in 2023 as follow up to the report entitled "Combating Corruption in Local Government – Steps Towards Good Governance", which was published in December 2022.

<sup>146</sup> Input from Finland for the 2023 Rule of Law Report, p. 18. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 23% of companies in Finland (EU average 26%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years. This is 3 percentage points below the EU average.

<sup>147</sup> Finland ranks 5<sup>th</sup> in the 2023 Reporters Without Borders World Press Freedom Index similarly to the previous year.

Communications Agency (Traficom), the media regulatory authority, are enshrined in law<sup>148</sup>, as are the mandate and monitoring of the public service media<sup>149</sup>.

**The independence of the national regulatory authority and public service media have remained stable.** Since the publication of the 2022 Rule of Law Report, no changes have been reported with regard to the regulation and resources of the two national regulatory authorities – Traficom and the National Audiovisual Institute<sup>150</sup>. Discussions are currently ongoing regarding possible new responsibilities deriving from the Digital Services Act<sup>151</sup>. The MPM 2023 registers low risk in terms of the independence and effectiveness of these two authorities, unchanged compared to the previous year<sup>152</sup>. Similarly, the MPM confirms that public service media continues to be perceived as independent<sup>153</sup>. In spite of this positive perception, MPM highlights the fact that it remains under indirect political control and that there is therefore scope to increase transparency in the appointment system for the leading positions<sup>154</sup>. The amendment mentioned in the 2022 Rule of Law report<sup>155</sup> requiring the online text content published by the public service media to be more closely linked to its audio and video content entered into force in August 2022<sup>156</sup>. Finland requires media service providers to make information concerning their ownership structure publicly accessible<sup>157</sup>. Since the 2022 Rule of Law Report, no regulatory changes regarding transparency of media ownership or restrictions to media ownership and concentration have been reported. MPM 2023 considers that media market pluralism is an area of very high risk driven by the extensive combined market share of the four largest audiovisual media owners<sup>158</sup>.

**The ethical rules for the press are being reviewed and the resources of the self-regulatory Finnish Council for Mass Media have been strengthened, while it deals with a rising number of complaints about journalistic ethics.** This self-regulatory council reports that complaints about journalistic ethics have been rising for three consecutive years. The body considers this to reflect citizens' increased trust in the complaint mechanism and has managed to secure more resources and reduce the average length of the complaint handling procedure<sup>159</sup>. Nearly all journalistic organisations in Finland are committed to the ethical rules for the

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<sup>148</sup> Act on the Transport and Communications Agency 935/2018.

<sup>149</sup> Act on Yleisradio Oy (Laki Yleisradio Oy:stä) 1380/1993; According to European Parliament's Flash Eurobarometer: News & Media Survey 2022, Finland is the Member State where citizens demonstrate by far the highest trust in public TV and radio stations (incl. online).

<sup>150</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 12-13; Input from Finland for the 2023 Rule of Law report, p. 21; Information received from Traficom and the National Audiovisual Institute in the context of the 2023 country visit to Finland.

<sup>151</sup> Information received from Traficom in the context of the 2023 country visit to Finland; Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act).

<sup>152</sup> 2023 Media Pluralism Monitor, country report for Finland, p. 11.

<sup>153</sup> According to European Parliament's Flash Eurobarometer: News & Media Survey 2022, Finland is the Member State where citizens demonstrate by far the highest trust in public TV and radio stations (incl. online) with 73% of respondents stating they trust these channels (compared to 49% on average in the EU).

<sup>154</sup> Ibid, p. 15.

<sup>155</sup> 2022 Rule of Law report, Country Chapter on the rule of law situation in Finland, p. 14.

<sup>156</sup> Act amending Section 7 of the Act on Yleisradio Oy 159/2022.

<sup>157</sup> Act on Electronic Communications Services 917/2014, Art. 4a; Regional Act (2011: 95) on radio and television activities, Art. 5, As amended by Act of Åland 2020/119.

<sup>158</sup> 2023 Media Pluralism Monitor, country report for Finland, p. 12-13.

<sup>159</sup> Information received from the Council for Mass Media in Finland in the context of the 2023 country visit; Council for Mass Media (2022) Annual Report 2022.



press<sup>160</sup>. The self-regulatory council is supported by an association, which has a board representing publishers and journalists. Following a consultation of media stakeholders, the supporting association has decided to review the ethical rules for the press in view of changes brought by the digital media environment and in order to make the rules easier to use. It has appointed a working group to this end<sup>161</sup>.

**There has been some progress on preparing to reform the Act on the Openness of Government Activities.** The 2022 Rule of Law Report recommended Finland to “continue the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents”. The dedicated working group appointed by the Ministry of Justice in 2021 has continued its work in assessing the sufficiency of the scope and possible shortcomings of the current legislation in addition to providing solutions<sup>162</sup>. A possible reform has been generally supported by media stakeholders and journalists<sup>163</sup>. In November 2022, the working group presented a proposal for a draft legislation to clarify exceptions that concern documents in criminal proceedings<sup>164</sup>. It will present the final report on the overall reform in late autumn 2023<sup>165</sup>. The work in the Parliament was interrupted due to the end of the Parliament’s mandate and the new Government will decide whether to continue. In parallel, the Supreme Administrative Court issued a judgment in December 2022 in favour of the right of media to obtain, for journalistic use, the list of public information on the income taxation of persons from the Tax Administration, even if the data sharing is objected to by those persons. The Court held that the disclosure of such electronic data has become part of the Tax Administration’s established operations to support the social debate on taxation in the media. The ruling helps to reconcile laws on the protection of privacy and public access to tax information<sup>166</sup>. The MPM 2023 reports that the protection of the right to information acquires a low-risk score but access to documents and information held by officials is often delayed or denied<sup>167</sup>. In conclusion, there has been some progress on the recommendation made in the 2022 Rule of Law Report to continue preparations to reform the Act on the Openness of Government Activities.

**The framework for the protection of journalists has remained stable.** Since the 2022 Rule of Law Report<sup>168</sup>, the overall protection of freedom of expression has remained stable at a high level<sup>169</sup>. The MPM 2023 considers Finland to be a free and protected environment for journalists and media professionals, the legislative framework providing them with relative

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<sup>160</sup> 2023 Media Pluralism Monitor, country report for Finland, p. 15.

<sup>161</sup> Council for Mass Media (2022) The working group preparing the update of the journalist's instructions has been appointed. The revision of the rules was done previously in 2014.

<sup>162</sup> More information is available at <https://oikeusministerio.fi/hanke?tunnus=OM083:00/2020>.

<sup>163</sup> Responses to the public consultation of the Ministry of Justice on the initiative (see the previous footnote); Information received from the Council for Mass Media in Finland, the Union of Journalists and the Finnish Media Federation in the context of the 2023 country visit.

<sup>164</sup> Input from Finland for the 2023 Rule of Law Report, p. 21; more information is available at HE 273/2022 vp (eduskunta.fi).

<sup>165</sup> Follow-up written input from Finland for the 2023 Rule of Law Report.

<sup>166</sup> Tax Administration (2022) Supreme Administrative Court: Customers do not have the right to object to the electronic release of their tax information to the media; Supreme Administrative Court, judgment of 21 December 2022, 21814/2021, ECLI:FI:KHO:2022:146.

<sup>167</sup> 2023 Media Pluralism Monitor, country report for Finland, p. 10.

<sup>168</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 15.

<sup>169</sup> Input from the Union of Journalists in the context of the 2023 country visit.



security<sup>170</sup>. According to recent surveys, citizens trust news media more than ever<sup>171</sup>. Since the publication of the 2022 Rule of Law report, the Council of Europe's platform to promote the protection of journalism and safety of journalists<sup>172</sup> has updated its alert with regard to the criminal conviction of two journalists following charges brought in 2021 against them and one other journalist for the disclosure of a state security secret and for intending to disclose other state secrets.<sup>173</sup> A separate new alert concerns the brief detention of a journalist covering a protest and the confiscation of his memory card<sup>174</sup>.

**Legislative reforms have been prepared to address the harassment of journalists online.** Since the 2022 Rule of Law Report, the Criminal Code has been amended for gender to be added among the motives that constitute grounds for increasing the punishment for (any) crime. The amendment, which entered into force in January 2023<sup>175</sup>, could address hate speech directed towards female journalists and has been supported by the journalistic community<sup>176</sup>. Additionally, new legislation has been adopted with an aim to make restraining orders more effective<sup>177</sup>, tackling in part online hate campaigns. In September 2022, an assessment was published exploring whether amendments to criminal law are needed to improve the effectiveness of prosecutions of targeting, which refers to systemic harassment of a person in the form of mass actions on online platforms because of his or her work or social duties<sup>178</sup>. In the future, the Government will examine whether to prepare a proposal for the Parliament<sup>179</sup>. The Union of Finnish Journalists has been involved with the Occupational Safety and Health Centre and the Finnish Media Federation in drawing up guidelines on how to prepare and prevent harassment and targeting online, which they see as one of the biggest problems journalists are facing in Finland with possible implications on self-censorship or journalists leaving the profession<sup>180</sup>.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

Finland is a unicameral, parliamentary democracy, in which legislative proposals may emanate from the Government or Parliament (although in practice most laws are based on Government proposals). *Ex ante* constitutionality review is carried out by the Chancellor of Justice, who is attached to the Government, and the Constitutional Law Committee, a parliamentary

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<sup>170</sup> 2023 Media Pluralism Monitor, country report for Finland, p. 10-11.

<sup>171</sup> Media Field Research Foundation (2022) Finns' trust in the news is greater than ever; Reuters Institute for the Study of Journalism (2022) Digital News Report 2022.

<sup>172</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, Finland.

<sup>173</sup> In January 2023, two of the original three journalists charged were convicted by the Helsinki District Court. International Press Institute (2023) Finland: Conviction of two Helsingin Sanomat journalists sets dangerous precedent; Reporters Without Borders (2023) The conviction of Finnish journalists for revealing state secrets sets a dangerous precedent for press freedom internationally; Union of Journalists (2023) Union of Journalists: Journalists' freedom of speech verdict makes it difficult for the public to access information; Input from the Council for Mass Media, Finnish Media Federation and Union of Journalists in the context of the 2023 country visit to Finland.

<sup>174</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, Finland.

<sup>175</sup> More information is available at <https://oikeusministerio.fi/hanke?tunnus=OM024:00/2019>.

<sup>176</sup> Responses to the public consultation of the Ministry of Justice on the initiative (see the previous footnote).

<sup>177</sup> More information is available at <https://oikeusministerio.fi/hanke?tunnus=OM015:00/2020>.

<sup>178</sup> Ministry of Justice (2022) Criminal regulation of targeting - Evaluation memorandum 2022:29.

<sup>179</sup> Input from Finland for the 2023 Rule of Law report, p. 23.

<sup>180</sup> Union of Journalists (2023) Support for social media harassment and bullying from the Center for Occupational Safety; input from the Union of Journalists in the context of the 2023 country visit to Finland.

committee<sup>181</sup> that assesses the constitutionality of proposals submitted to Parliament. Moreover, all courts can carry out *ex post* constitutionality review in concrete cases<sup>182</sup>. The Chancellor of Justice, the Human Rights Centre and the Parliamentary Ombudsman play an important role in the system of checks and balances.

**A new guide on fundamental and human rights impact assessments in drafting legislation has been published.** In November 2022, the Ministry of Justice adopted a guide on fundamental and human rights impact assessment in law drafting, to facilitate easier recognition and assessment of the impacts of legislation on fundamental and human rights<sup>183</sup>. Moreover, in October 2022, the Permanent Secretaries of all ministries have published the updated regulatory impact assessment guidelines, which include instructions for the regulatory impact assessment on economic, environmental, and other human and societal impacts<sup>184</sup>. The guidelines also include a section on impacts concerning democracy and rule of law.<sup>185</sup> Generally, involvement of stakeholders in the legislative process remains meaningful, with some discrepancies reported, namely in the different approach amongst the ministries and their departments<sup>186</sup>. In order to improve the systematic inclusion of civil society in legislative processes, ministerial employees responsible for the draft laws are systematically offered education and instructions for better stakeholder cooperation<sup>187</sup>. The Action Plan on Better Regulation, adopted by the Government in August 2020, aiming to further improve the quality and transparency of the legislative drafting process, as described in the 2021 Rule of Law Report<sup>188</sup>, is planned to be completed by the end of 2023 and its implementation report is scheduled for September 2023<sup>189</sup>.

**On 1 January 2023, Finland had nine leading judgments of the European Court of Human Rights pending implementation, the same number as the previous year<sup>190</sup>.** At that time, Finland's rate of leading judgments from the past 10 years that remained pending was at

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<sup>181</sup> The committee is made up of members of Parliament and regularly hears independent experts on constitutional law.

<sup>182</sup> According to Section 106 of the Constitution if in a case before a court, the application of an act would be in evident conflict with the Constitution, the court of law shall give primacy to the Constitution.

<sup>183</sup> Guide on Fundamental and Human Rights Impact Assessment in Law Drafting, available online in Finnish at: <https://julkaisut.valtioneuvosto.fi/handle/10024/164464>. Input from Finland for the 2023 Rule of Law Report, p. 25.

<sup>184</sup> The Updated Guidelines for Impact Assessment in Law Drafting, available online in Finnish at: <https://julkaisut.valtioneuvosto.fi/handle/10024/164464>; and in English available at: <https://julkaisut.valtioneuvosto.fi/handle/10024/164932>. Input from Finland for the 2023 Rule of Law Report, p. 25.

<sup>185</sup> Written input from Finland for the 2023 Rule of Law Report.

<sup>186</sup> Information received from the Advisory Board for Civil Society Policy, Demla and Amnesty International in the context of the country visit to Finland.

<sup>187</sup> Written information received from Finnish authorities in the context of the country visit to Finland, p. 1. The focus of the education and instructions lies in the identification of stakeholders, planning of equal and timely consultation processes and the transparency of the preparation process.

<sup>188</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 13; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 17.

<sup>189</sup> Written information received from Finnish authorities in the context of the country visit to Finland.

<sup>190</sup> The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

50% (compared to 60% in 2022) and the average time that the judgments had been pending implementation was 12 years and 11 months (compared to 11 years and 11 months in 2022)<sup>191</sup>. The oldest leading judgment, pending implementation for 17 years, concerns the protection of private and family life in relation to the lack of proper safeguards for the implementation of search and seizure measures<sup>192</sup>. On 15 June 2023, the number of leading judgments pending implementation has decreased to seven<sup>193</sup>.

**A targeted amendment to the Emergency Powers Act was adopted, with a more comprehensive reform pending.** The main purpose of the amendment, which was adopted in urgent procedure for constitutional enactment in July 2022<sup>194</sup>, was to enable a state of emergency to be declared also in case of serious hybrid influencing against Finland<sup>195</sup>. A more comprehensive reform to the Emergency Powers Act commenced in autumn 2022 and a new working group and a parliamentary committee have been appointed. The aim of the comprehensive reform is to update the Emergency Powers Act and to amend it to bring it in line with the constitution and with the current society's view on the environment and the factors threatening it<sup>196</sup>. The working group consists of representatives from all the Ministries, from the Office of the President of the Republic, as well as independent experts on constitutional law. The proposal is expected to be submitted by autumn 2025<sup>197</sup>. The Ministry of Social Affairs and Health has prepared a memorandum on the needs to reform the Communicable Diseases Act<sup>198</sup>.

**The law clarifying the division of powers between the Chancellor of Justice and the Parliamentary Ombudsman has entered into force<sup>199</sup>.** The law, which aims to clarify the division of tasks between the two institutions, was adopted on 19 April 2022, as stated in the 2022 Rule of Law Report<sup>200</sup>, and entered into force on 1 October 2022<sup>201</sup>. The application in practice so far is evaluated positively, especially with regard to the more efficient use of resources, specialisation and the ability to better addressing the needs of citizens<sup>202</sup>. The Government proposal to establish a new agency to provide administrative support to

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<sup>191</sup> All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2023. See the Contribution from the European Implementation Network for the 2023 Rule of Law Report, p. 3.

<sup>192</sup> Judgment of the European Court of Human Rights of 27 September 2005, *Petri Sallinen and Others v. Finland*, 50882/99, pending implementation since 2005.

<sup>193</sup> Data according to the online database of the Council of Europe (HUDOC-EXEC).

<sup>194</sup> Section 73 of the Constitution prescribes that any legislative proposal which entails a limited derogation of the Constitution must be enacted following the procedure of constitutional enactment, ie, hold the proposal in abeyance or declare it urgent by a majority of at least five-sixths. In 'Finland: Legal Response to Covid-19', T Kotkas, A Kantola, H Wass, E Husu. Oxford University Press, 2021.

<sup>195</sup> Input from Finland for the 2023 Rule of Law Report, pp. 5, 25.

<sup>196</sup> Information received from the Ministry of Justice in the context of the country visit to Finland.

<sup>197</sup> Input from Finland for the 2023 Rule of Law Report, p. 26; Information received from the Ministry of Justice in the context of country visits to Finland.

<sup>198</sup> Written input from Finland for the 2023 Rule of Law Report; Contribution from the Chancellor of Justice for the 2023 Rule of Law Report, pp. 24, 25.

<sup>199</sup> The Act on the division of tasks between the Chancellor of Justice of the Government and the Parliamentary Ombudsman, No 330/2022.

<sup>200</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 18.

<sup>201</sup> Input from Finland for the 2023 Rule of Law Report, p. 27; Contribution from the Chancellor of Justice for the 2023 Rule of Law Report, pp. 17, 27.

<sup>202</sup> Contribution from the Chancellor of Justice for the 2023 Rule of Law Report, p. 27; Information received from the Chancellor of Justice, the Parliamentary Ombudsman and the Human Rights Centre in the context of the country visit in Finland.

independent bodies, as reported in the 2022 Rule of Law Report<sup>203</sup>, has not been presented to Parliament under the previous Government. Further discussion on whether there is need for such a body will depend on the new Government's programme<sup>204</sup>. The Human Rights Centre, which together with its delegation and the Parliamentary Ombudsman constitutes the National Human Rights Institution accredited with A Status<sup>205</sup>, has issued a report on the human rights structure, identifying several problems, including issues connected to high fragmentation of the human rights institutions in Finland<sup>206</sup>.

**Amendments to improve the model of funding of civil society organisations were approved by the Parliament.** Civic space in Finland is considered to be 'open'<sup>207</sup>. As reported in the 2022 Rule of Law Report, the Government prepared a proposal for a new model of funding, which was finalised in February 2022<sup>208</sup>. In this new model, civil society organisations would obtain stable and sufficient funding, as the activities would be financed from a universal government income, instead of gambling proceeds, and without earmarking the intended use of the funds<sup>209</sup>. As a follow-up to the proposal, several legislative changes were drafted in order to accommodate the new funding model<sup>210</sup>. All these amendments will enter into force on 1 January 2024<sup>211</sup>. In addition, in February 2023 the Government set a new parliamentary advisory board on financing and developing activities of non-profit communities for the term of office of Parliament until a new advisory board is set up (at most until 31 December 2023).<sup>212</sup> Stakeholders assess this reform positively and expect greater stability<sup>213</sup>. The amendment to the Associations Act has entered into force on 8 February 2023<sup>214</sup>. The aim of the amendment is to promote and facilitate activities in the civic space, namely through introducing easier ways of organising administration, including financial and accounting issues, especially for smaller organisations<sup>215</sup>. The Advisory Board for Civil Society Policy has published its strategy for 2022-2026 in October 2022<sup>216</sup>. The aim of the strategy is to clarify objectives as regards the

<sup>203</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 18.

<sup>204</sup> Information received from the Ministry of Justice in the context of the country visit to Finland.

<sup>205</sup> 2020 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 13.

<sup>206</sup> Human Rights Center (2022) Report on national fundamental and human rights actors. Information received from the Human Rights Center and Amnesty International in the context of the country visit to Finland.

<sup>207</sup> Rating given by Civicus, Finland. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>208</sup> 2022 Rule of Law Report, Country chapter on the rule of law situation in Finland, p. 19.

<sup>209</sup> Input from Finland for the 2023 Rule of Law Report, p. 30; Memorandum on the new funding model available in Finnish online at:

[https://valtioneuvosto.fi/documents/10616/104236898/Rahapelituotoilla+rahoitettavien+yleishy%C3%B6dyllisten+toimintojen+uusi+rahoitusmalli\\_FINAL.pdf/a623bb09-b3a3-4230-308f-500b88f34862/Rahapelituotoilla+rahoitettavien+yleishy%C3%B6dyllisten+toimintojen+uusi+rahoitusmalli\\_FINAL.pdf?t=1644326410914](https://valtioneuvosto.fi/documents/10616/104236898/Rahapelituotoilla+rahoitettavien+yleishy%C3%B6dyllisten+toimintojen+uusi+rahoitusmalli_FINAL.pdf/a623bb09-b3a3-4230-308f-500b88f34862/Rahapelituotoilla+rahoitettavien+yleishy%C3%B6dyllisten+toimintojen+uusi+rahoitusmalli_FINAL.pdf?t=1644326410914).

<sup>210</sup> In 2022, the Government submitted to Parliament a proposal (HE 255/2022 vp) on amendments to the Lotteries Act, a proposal (HE 282/2022 vp) on amendments to laws under the supervision of the Ministry of Education and Culture, proposal (HE 269/2022 vp) on the financing of associations in the social and health sector, and a proposal (HE 260/2022 vp) on the funds granted to horse breedings and to the promotion of equestrian sports.

<sup>211</sup> Input from Finland for the 2023 Rule of Law Report, p. 30.

<sup>212</sup> Written input from Finland for the 2023 Rule of Law Report. More information on the new parliamentary advisory board here: <https://valtioneuvosto.fi/paatokset/paatokset?decisionId=0900908f80811b84>.

<sup>213</sup> In the context of the country visits in Finland, the Advisory Board on Civil Society Policy, Demla and Amnesty International expressed uncertainty when it comes to future funding.

<sup>214</sup> Information received from the Ministry of Justice in the context of a country visit to Finland.

<sup>215</sup> Input from Finland for the 2023 Rule of Law Report, p. 29; Information received from the Ministry of Justice in the context of the country visits in Finland.

<sup>216</sup> The strategy available in Finnish online at <https://julkaisut.valtioneuvosto.fi/handle/10024/164356>; Franet (2023), Country research - Legal environment and space of civil society organisations in supporting

future of the civil society. The three main goals of the strategy are to i) safeguard and strengthen the autonomy of CSOs, ii) develop interaction between public administration and civil society, and iii) to promote equal participation. The promotion of the strategy constitutes the core of the work for the Advisory Board for Civil Society Policy for the coming years<sup>217</sup>. It will also carry out a mid-term review of the strategy<sup>218</sup>.

**The Government adopted a resolution on Finnish democracy policy up to 2030.** On 3 November 2022, the Government adopted a resolution on Finnish democracy policy in the 2020s<sup>219</sup>. There are six key goals set out for a long-term democracy policy, within which there are dedicated goals concerning democracy, human rights and media education and a goal concerning the operating conditions of civil society. To improve the level of education on human rights and media, the policy recognised a lack of permanent structures and resources to train teachers and staff and proposed to strengthen open debate to counter disinformation<sup>220</sup>. When it comes to the participation of civil society, the policy recommends namely to establish long-term cooperation between municipalities and civil society, to work on better inclusion of children, youth, and other vulnerable residents in the process<sup>221</sup>, to support long-term funding for civil society organisations, and young people's participation<sup>222</sup>. Most of the measures proposed in the policy depend on the implementation decision of the new Government, as these are dependent on orientations and objectives of each government and competent ministry<sup>223</sup>.

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fundamental rights – Finland., p. 3; Information received from the Advisory Board on Civil Society Policy in the context of the country visit to Finland.

<sup>217</sup> Input from Finland for the 2023 Rule of Law Report, p. 31.

<sup>218</sup> Franet (2023), Country research - Legal environment and space of civil society organisations in supporting fundamental rights – Finland., pp. 3-4.

<sup>219</sup> Input from Finland for the 2023 Rule of Law Report, p. 31.

<sup>220</sup> Government's resolution on Finnish democracy policy in the 2020s, p. 38.

<sup>221</sup> Finnish democracy policy, p. 33.

<sup>222</sup> Ibid. pp. 50, 51.

<sup>223</sup> Ibid. p. 55.



## Annex I: List of sources in alphabetical order\*

\* The list of contributions received in the context of the consultation for the 2023 Rule of Law report can be found at [https://commission.europa.eu/publications/2023-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2023-rule-law-report-targeted-stakeholder-consultation_en).

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## **Annex II: Country visit to Finland**

The Commission services held virtual meetings in March 2023 with:

- Advisory Board for Civil Society Policy
- Amnesty International Finland
- Anti-corruption Cooperation Network
- Chancellor of Justice
- Council for Mass Media in Finland
- Demla
- Financial Intelligence Unit
- Finnish Association of Judges
- Finnish Bar Association
- Finnish Media Association
- Human Rights Centre
- Ministry of Finance
- Ministry of the Interior
- Ministry of Justice
- Ministry of Transport and Communications
- National Audiovisual Institute
- National Bureau of Investigation
- National Courts Administration
- National Police Board
- National Prosecution Authority
- Parliamentary Ombudsman
- Prime Minister's Office
- Supreme Administrative Court
- Supreme Court
- Traficom
- Transparency International Finland
- Union of Finnish Journalists
- Yleisradio Oy

\* The Commission also met the following organisations in a number of horizontal meetings:

- ALDA (European Association for Local Democracy)
- Amnesty International
- Civil Liberties Union for Europe
- Civil Society Europe
- Culture Action Europe
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists

- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- Front Line Defenders
- ILGA Europe
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Planned Parenthood Federation European Network
- International Press Institute
- JEF Europe
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- SOLIDAR
- Transparency International EU